

IN THE
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2007 SEP 10 P 1:46

U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

JULIO CARRRION SANTIAGO)

Defendant,)

Case No. 04-Cr-10336-NMG
USCA No. 07-1575

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW, the Defendant, Julio Carrion Santiago, representing himself pro se, and hereinafter referred to as ("Defendant" or "the Defendant") and Moves before this Court for an Order granting the hereinabove noted Action.

IN SUPPORT THEREOF, the Defendant would render the following argument and points of law.

I.

Attached to this Motion is an Order from the First Circuit Court of Appeals dated August 21, 2007. Said Order instructs the Defendant to file, on or before September 11, 2007, "a motion to proceed IFP and a financial affidavit in the district court..." The Defendant is further instructed by the Appeals Court Order to provide the Appeals Court with proof of filing.

II.

Defendant has completed and attached to this Motion the required affidavit and with this Motion formally requests to be granted IFP Status. The Defendant received \$906.00 from family members in the past six (6) months and is only paid

\$5.25 per month by the Bureau of Prisons for his work while he is incarcerated at the Federal Correctional Facility in Petersburg, Virginia. Additionally, the \$455.00 fee(s) for his direct appeal was paid by a personal friend of the Appellant, Kassandra Olivio. The Defendant's family pooled their meager sums to send to the Defendant when he left jail in Massachusetts and was transferred to Virginia. This was an aberration and the Defendant does not expect to receive that amount of funds anytime in the near future. Additionally, Ms. Olivio is now experiencing difficult financial circumstances and has asked the Defendant if there is any way to have the \$455.00 she paid to the Court for the Defendant, refunded back to her.

III.

The affidavit will show that the Defendant has no assets other than the \$235.65 that he has in his account at the prison and that he is truly indigent.

WHEREFORE, premises considered and for good cause shown, the Defendant respectfully Moves that this Court grant the Defendant Leave to Proceed in forma pauperis as he pursues his appeal, and, if possible, to refund the \$455.00 payment requested by Mr. Kassandra Olivio.

Respectfully submitted,

Date: 9-6-2007

By: Julio Carrion Santiago
Julio Carrion Santiago
Defendant, pro se